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COMMUNICATION OF 15 SEPTEMBER 1997 RECEIVED FROM THE PERMANENT MISSION OF KUWAIT TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

The text of a note verbale dated 15 September 1997 which the Director General has received from the Permanent Mission of Kuwait is - as requested - reproduced for the attention of the General Conference.

"The Permanent Mission of the State of Kuwait to the United Nations and other international organisations in Vienna presents its compliments to the International Atomic Energy Agency and with reference to the latter's circular no. GC(41)/INF/7 dated 27.8.1997 communicating the request by the Permanent Mission of the Republic of Iraq to the International Atomic Energy Agency for restoring Iraq's right to vote during the 41st General Conference of IAEA, has the honour to state that it sees no reason to justify this request by Iraq.

"Article XIX of the Agency's Statute does not apply to the case of Iraq, since non-payment by Iraq of its financial contributions to the Agency is by no means due to conditions beyond its control. The way for Iraq to have the international sanctions against it lifted is crystal-clear: implementation of all relevant Security Council resolutions, which Iraq has failed to do so far.

"The definition of force majeure, which the note of the Permanent Mission of the Republic of Iraq refers to, does not apply to the case of Iraq, as the situation which it speaks about is the result of a pre-meditated aggression against a neighbouring country and of a deliberate violation of international peace and security.

"The Permanent Mission of the Republic of Iraq has made the same request over the past few years before each General Conference of the Agency and every time its request was rejected. The facts have not changed this year, warranting any reversal of previous decisions of the General Conference.

"Therefore, the Mission expresses its strongest opposition to the above-mentioned Iraqi request and kindly solicits the Agency's Secretariat to bring this note to the attention of the General Conference with a view to taking a similar action as in previous years and to reproduce it as a conference document.

"The Permanent Mission of the State of Kuwait to the United Nations and other international organisations in Vienna avails itself of this opportunity to renew to the International Atomic Energy Agency the assurances of its highest consideration."*/

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*/ It is suggested that, pursuant to Rule 42(b) of the Conference's Rules of Procedure, and in line with past practice, this note verbale be referred to the General Committee for consideration.